

**From:** [Marks, Andrew](#)  
**To:** [Zeno, Denise](#)  
**Cc:** [Logsdon, Larry](#); [Susan Schofield](#); [Hauptman, Mel](#); [Wieder, Marla](#)  
**Subject:** RE: Cabo Rojo site  
**Date:** Tuesday, April 02, 2013 12:51:28 AM  
**Attachments:** [Consent for Access re Store #1829 \(032613\).pdf](#)

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Denise:

Please find attached the Consent for Access. Regarding the testing date, we respectfully request that U.S.EPA's contractor schedule it to occur on a Thursday (4/18 or 4/25). This store receives frequent deliveries throughout the week, but there is a break on Thursdays.

Upon arrival, I understand that the contractor will perform sampling only behind the store. Please confirm. Also, we would like to know: (i) the size/type of equipment that will be used – a drill truck/trailer or a smaller device; (ii) during what time range the contractor is planning to arrive; and (iii) how long they will be at the store. Answers to these questions will help the store provide the contractor with adequate access. Finally, we request that the contractor work with the store upon arrival to avoid blocking customer parking.

I look forward to your response and please contact me (or Larry Logsdon) with any questions.

Andy

Andrew J. Marks  
Senior Attorney  
Community & Retail Legal Services  
Walgreen Co.  
104 Wilmot Road, MS #1434  
Deerfield, IL 60015  
p 847-315-2602  
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**From:** Zeno, Denise [mailto:[Zeno.Denise@epa.gov](mailto:Zeno.Denise@epa.gov)]  
**Sent:** Monday, April 01, 2013 9:02 AM  
**To:** Marks, Andrew; Wieder, Marla  
**Cc:** Logsdon, Larry; Susan Schofield; Hauptman, Mel  
**Subject:** RE: Cabo Rojo site

Andy,

Good morning!

I have not received the signed consent for access form. I need your company to sign the form and return the signed form by email or fax (212.637.3083) by April 3.

The Certificate of Insurance we provided you does not list pollution liability coverage. Our environmental contractor is covered for pollution liability. I consulted with our Regional Counsel on this matter and she stated that: "As our contractor has the insurance that's all they (*meaning Walgreens*) need. If our contractor causes contamination to be released at the site during the sampling (which will not happen), they (*meaning Walgreens*) are covered." I included the italic font for clarification.

I will provide you with a copy of the analytical report as before.

We are planning to collect soil vapor gas samples at the property between April 16 to May 1, 2013. Please let me know if you have any questions regarding the sampling activities. If you have further questions or clarification about the

pollution liability coverage please contact Marla Wieder, EPA's attorney for this site. Ms. Wieder contact info is [wieder.marla@epa.gov](mailto:wieder.marla@epa.gov), 212-637-3184 (office), 212-637-3104 (Fax).



**From:** Marks, Andrew [<mailto:andrew.marks@walgreens.com>]

**Sent:** Tuesday, March 05, 2013 5:00 PM

**To:** Zeno, Denise

**Cc:** Logsdon, Larry

**Subject:** Cabo Rojo site

We are in the process of getting the access agreement signed and will send it to you shortly. A few additional requests:

1. I see that the Certificate of Insurance does not list pollution liability coverage. I am sure that the environmental contractor has such coverage, so please ask them to include it in the certificate.
2. Also, will you be providing us with a copy of the results like you did last time. I assume so, but just wanted to confirm.
3. Do you have a date range when the contractor may visit the store?

Thank you and please call with any questions.

**Be well,**

**Andy**

Andrew J. Marks

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Every day I help people **get, stay and live well.**

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